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On

October 12, 2005

TOWNSEND and TOWNSEND and CREW LLP

By:

Nina L. McNeill

Nina L. McNeill

DAE
PATENT

Attorney Docket No.: 20174C-002910US

Client Reference No.: CIT-3318

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

B. Scott Driggs et al.

Appl. No. 10/045,132

Filed: October 23, 2001

For: Electrostatic Valves for
Microfluidic Devices

Customer No.: 20350

Confirmation No.: 2449

Examiner: Eric S. Keasel

Art Unit: 3754

**REQUEST FOR EXCUSE OF ERROR
IN ESTABLISHING SMALL ENTITY
STATUS**

10/18/2005 TBESHAH1 00000058 201430 10045132

01 FC:1001	790.00 DA
02 FC:1201	800.00 DA
03 FC:1051	130.00 DA
04 FC:1252	450.00 DA
05 FC:1801	790.00 DA
06 FC:1251	120.00 DA

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Applicants, without intent to deceive, erroneously claimed small entity status in the above-identified application. Excuse of the error is requested. 37 CFR § 1.28(c).


The following is an itemization of the total deficiency payment due.

Payment	Small Entity Amount Paid	Current Large Entity Amount	Deficiency
Application	\$370 (10/23/01) Filing Fee 7 independent claims in excess of 3 (\$168) \$538	Filing Fee (\$300) Search Fee (\$500) Examination Fee (\$200) 7 independent claims in excess of 3 (\$1,400) \$2,400	\$1,862

Payment	Small Entity Amount Paid	Current Large Entity Amount	Deficiency
Response to Missing Parts of App	\$65 (04/11/02)	\$130	\$65
EOT (2 months)	\$210 (10/28/03)	\$450	\$240
RCE	\$395 (7/7/05)	\$790	\$395
EOT (1 month)	\$60 (7/7/05)	\$120	\$60
Total			\$2,622

It is, thus, believed that the deficiency amount owed is \$2,622. Including the \$130 processing fee under 37 CFR § 1.17(i), the total amount due for excuse of the error is believed to be **\$2,752**, which the Office is authorized to deduct from Deposit Account No. 20-1430. Should the amount due be determined by the Office to be otherwise, the Office is authorized to deduct the determined amount from Deposit Account No. 20-1430. This Request is submitted in duplicate.

Respectfully submitted,


Patrick M. Boucher
Reg. No. 44,037

Date: October 12, 2005

TOWNSEND and TOWNSEND and CREW LLP
Two Embarcadero Center, Eighth Floor
San Francisco, CA 94111-3834
Tel: 303-571-4000
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PMB/nlm
60607345 v1



PTO/SB/21 (09-04)

**TRANSMITTAL
FORM**

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission

Application Number	10/045,132
Filing Date	October 23, 2001
First Named Inventor	B. Scott Driggs
Art Unit	3754
Examiner Name	Eric S. Keasel
Attorney Docket Number	20174C-002910US

ENCLOSURES (Check all that apply)

- | | | |
|--|---|---|
| <input type="checkbox"/> Fee Transmittal Form
<input type="checkbox"/> Fee Attached
<input type="checkbox"/> Amendment/Reply
<input type="checkbox"/> After Final
<input type="checkbox"/> Affidavits/declaration(s)
<input type="checkbox"/> Extension of Time Request
<input type="checkbox"/> Express Abandonment Request
<input type="checkbox"/> Information Disclosure Statement

<input type="checkbox"/> Certified Copy of Priority Document(s)
<input type="checkbox"/> Reply to Missing Parts/ Incomplete Application
<input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53 | <input type="checkbox"/> Drawing(s)
<input type="checkbox"/> Licensing-related Papers
<input type="checkbox"/> Petition
<input type="checkbox"/> Petition to Convert to a Provisional Application
<input type="checkbox"/> Power of Attorney, Revocation
Change of Correspondence Address
<input type="checkbox"/> Terminal Disclaimer
<input type="checkbox"/> Request for Refund
<input type="checkbox"/> CD, Number of CD(s) _____
<input type="checkbox"/> Landscape Table on CD | <input type="checkbox"/> After Allowance Communication to TC
<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Status Letter
<input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):
Request for Excuse of Error in Establishing Small Entity Status
Return Postcard |
|--|---|---|

Remarks

The Commissioner is authorized to charge any additional fees to Deposit Account 20-1430.

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name	Townsend and Townsend and Crew LLP		
Signature	<i>Patrick M. Boucher</i>		
Printed name	Patrick M. Boucher		
Date	October 12, 2005	Reg. No.	44,037

CERTIFICATE OF TRANSMISSION/MAILING

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Signature

Nina L. McNeill

Typed or printed name

Nina L. McNeill

Date

October 12, 2005